IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

J U D G M E N T

Shivji v. U.I.T., Jodhpur & Anr.
(1)S.B.CIVIL SECOND APPEAL NO.265/2002

Pukhraj v. U.I.T., Jodhpur & Anr.
(2)S.B.CIVIL SECOND APPEAL NO.266/2002

Chhotu v. U.I.T., Jodhpur & Anr.
(3)S.B.CIVIL SECOND APPEAL NO.268/2002

Omprakash v. U.I.T., Jodhpur & Anr.
(4)S.B.CIVIL SECOND APPEAL NO.269/2002

Date of Judgment : 7th November, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Manish Shishodia, for the appellants.
Mr. SDN Bhatt]
Mr. Kailash Joshi] for the respondents.

BY THE COURT :

Being based on common facts these appeals are being heard together and disposed of by this common judgment.

The facts in brief giving rise to present appeals are that the plaintiff appellants instituted

suit for injunction against Urban Improvement Trust, Jodhpur alleging therein that in khasra No.734 village Jodhpur the appellants had a plot under their occupation on or before 20.8.1981. The plaintiff appellants under the Rajasthan Land Revenue (Allotment, Conversion & Regularisation of Agricultural Land for Residential & Commercial Purposes in Urban Areas) Rules, 1981 (hereinafter referred to as "the Rules of 1981"), applied for conversion of the land which was accepted by the competent authority and an order was made to execute lease in favour of the plaintiff appellants. The order passed by the competent authority under the Rules of 1981 was set aside by the Revenue Appellate Authority. The plaintiff appellants claimed that the issue with regard to their possession over the land was pending before the competent court for its adjudication, however, during pendency of the same the Urban Improvement Trust, Jodhpur proceeded to dispossess them from the land in question. In the circumstances mentioned above by way of filing suit plaintiff appellants sought decree in the nature of permanent injunction by way of instituting civil suit.

Learned trial court by its judgment dated 14.5.1999 dismissed the suit. Being aggrieved by the same the plaintiff appellants preferred an appeal, that too came to be rejected by judgment dated 27/28.8.2001 passed by learned Additional District

Judge No.2, Jodhpur. Hence the present second appeals are preferred by the plaintiff appellants.

The appeals are mainly founded on the contention that the issue with regard to possession of the plaintiff appellants over the land in question was subject matter of appeals pending before Board of Revenue and till decision of that they had a right to have possession over the land in dispute.

The appeals preferred by the plaintiff appellants were rejected subsequent to filing the present appeals and writ petitions giving challenge to the orders passed by Board of Revenue rejecting the appeals referred by the plaintiffs are also rejected by this Court today itself, as such no cause to institute suit now survives. The details of the writ petitions, decided today, are as under:-

(1) SBCivil Writ Petition No.3687/2002
(Shivji v. State of Raj. & Ors.)

(2) SBCivil Writ Petition No.3688/2002
(Babulal v. State of Raj. & Ors.)

(3) SBCivil Writ Petition No.3689/2002
(Chhotu v. State of Raj. & Ors.)

(4) SBCivil Writ Petition No.3690/2002
(Jagdish v. State of Raj. & Ors.)

(5) SBCivil Writ Petition No.3691/2002
(Omprakash v. State of Raj. & Ors.)

(6) SBCivil Writ Petition No.3692/2002
(Pukhraj v. State of Raj. & Ors.)

In view of the fact that this Court has already dismissed the writ petitions preferred by the present appellants holding therein that no illegality was committed by the Revenue Appellate Authority, Jodhpur in setting aside the pattas issued in favour of the petitioners (plaintiff appellants), no cause now survives in these appeals. The appeals in these circumstances have lost the foundation and, therefore, the same deserve to be dismissed.

Accordingly, these second appeals are hereby dismissed.

(GOVIND MATHUR),J.

kkm/ps.